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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,747	01/23/2004	Ernesto S. Tachauer	05918-320001 / VGCP No.	7629
26161	7590	10/20/2006	6	
FISH & RICHARDSON PC P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			EXAMINER EASHOO, MARK	
			ART UNIT	PAPER NUMBER
			1732	

DATE MAILED: 10/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/763,747

Applicant(s)

TACHAUER ET AL.

Examiner

Mark Eashoo, Ph.D.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) 28-49 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-27 and 50-52 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/06</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION***Information Disclosure Statement***

The information disclosure statement filed 31-JUL-2006 complies with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609. Accordingly, it has been placed in the application file and the information referred to therein has been considered as to the merits.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-27 and 50-52 are rejected under 35 U.S.C. 103(a) as being obvious over Tidemann et al. (US Pat. 5,738,816) in view of Kenny et al. (US Pat. 5,725,928).

Tidemann et al. teaches the claimed process of: thermoforming a sheet into a structure having a non-planar topography (3:35-65 and Figs. 1 and 7).

Tidemann et al. does not specifically providing a sheet form base having a plurality of integrally molded male fastener elements which is thermoformed. However, Tidemann et al. suggests that hook and loop fasteners may be "carried" by the strip portion which is vacuum thermoformed but does not specifically teach if it is carried through the molding process. Tidemann et al. also suggests that the fasteners are located in a flange portion of the moldable strip (6:10-30 and Figs. 1, 7). Kenny et al. teaches a fastener element/strip, that is contains a magnetic material, and undergoes a molding process (Fig. 2 and 3:10-35). At the time of invention a person of ordinary skill in the art would have found it obvious to have use a fastener containing a magnetic material, as taught by Kenny et al., in the process of Tidemann et al., and would have been motivated to do so because Kenny et al. suggest that incorporation of the magnetic material aid in aligning the fastener materials with respect to the molding process.

Tidemann et al. further teaches PVC, PP, PE, polycarbonates as thermoformable materials (5:60-67), a thermoformed article having an undulating surface in the shape of a bowl having a flange (Fig. 1).

Kenny further teaches that making fastener elements by using a mold roll that is filled resin that is passed through a gap formed by a molding roll and pressure roll (Fig. 8), forming fastener elements in only desired locations on a sheet/strip (Fig. 11), a fastener strip formed with a foam backing (3:25-35).

Tidemann et al. does not teach specific molding temperatures and materials thickness. Nonetheless, optimizing the processing/molding temperatures of thermoplastic resins is well known in the molding art and materials thickness are known to be determined based upon the use of the molded article. At the time of invention a person of

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ordinary skill in the art would have found it obvious to have optimized the processing/molding temperatures, as commonly practiced in the art, in the process of Tidemann et al., and would have been motivated to do so in order to provide a material viscosity that would allow the material to conform to the desired mold shape intended for a desired use.

Response to Arguments

Applicant's arguments with respect to claims 1-27 and 50-52 have been considered but are moot in view of the new ground(s) of rejection.

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Eashoo, Ph.D. whose telephone number is (571) 272-1197. The examiner can normally be reached on 7am-3pm EST, Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Johnson can be reached on (571) 272-1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Mark Eashoo, Ph.D.
Primary Examiner
Art Unit 1732

October 16, 2006
me

10/16/06